

APP7 Rec'd PCT/P10 26 JAN 2006

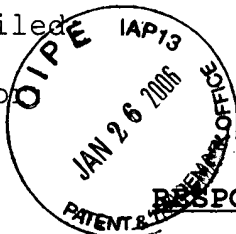
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Francois HIRSCH et al.

Serial No.: 09/926,493

Filed January 24, 2002

For NUCLEIC ACID-ANTIBODY CONJUGATE FOR DELIVERING A
FOREIGN NUCLEIC ACID INTO CELLS



RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**Attention: APPLICATION BRANCH
MISSING REQUIREMENTS OF APPLICATION**

Sir:

With respect to the above-identified national phase application, the following are filed herewith in response to the Notification of Defective Response, mailed **January 11, 2006**, copy attached.

- X Submission of Computer Readable form of initial Sequence Listing with paper copy.
- X Second Preliminary Amendment.
- X If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Appln. No. 09/926,493

Please note that the Processing fee of \$130 for providing the translation of the application and/or Annexes late is not included. It will be noted that the application was filed with the English translation of the application on November 13, 2001 (copy of the transmittal and dated post-card is provided). Therefore, the surcharge is not required.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By 

Joseph G. Contrera
Reg. No. 44,628

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Atty. Docket: P67289US0
Date: January 26, 2006
JGC/cmf



****HAND CARRY**** TO PCT WINDOW, CRYSTAL PLAZA II, 8TH FLOOR

Att'y Docket: P67289US0
Serial No.: New U.S. National Phase Application
Applicant: HIRSCH et al
Filing Date: November 13, 2001

Today's Date: November 13, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Preliminary Amendment
- ☒ Request (101)
- ☒ PCT/IB/301/304/308 Form(s)
- ☒ First Page of Publ.
- ☒ IPER (409)
- ☒ Verification of Translation
- ☒ 41 pg. Specif. with 63 claims and Abstract
- ☒ 7 Sheets of Drawings

09/926493

Check for \$ 1794.00 Check No. 55506

DUE DATE: November 10, 2001

JACOBSON HOLMAN PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004

COPY

EARLY SERIAL NO. _____
JRC

77 Rec'd PCT/PTO 13 NOV 2001

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED / ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER
P67289US0

US APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.
PCT/FR00/01259

INTERNATIONAL FILING DATE
10 May 2000

PRIORITY DATE CLAIMED
10 May 1999

TITLE OF INVENTION
NUCLEIC ACID-ANTIBODY CONJUGATE FOR DELIVERING A FOREIGN NUCLEIC ACID INTO CELLS

APPLICANT(S) FOR DO/EO/US
François HIRSCH -and- Antoine DURRBACH

Applicant herein submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

COPY

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for Internatl. Preliminary Examination was made by the 19th month from earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the Internatl. Preliminary Examination report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

PCT Request Form
PCT/IB/301 Form
PCT/IB/304 Form
PCT/IB/308 Form
First Page of Publication
International Preliminary Examination Report – No Annexes
Verification of Translation

PCT/FR00/01259

P67289US0

17. ☐ The following fees are submitted:**Basic National Fee (37 CFR 1.492(a)(1)-(5)):**

Internatl. prelim. examination fee paid to USPTO (37 CFR 1.492 (a) (1)) .. \$710.00

No international preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (2)) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) .. \$740.00

Neither international preliminary examination fee (37 CFR 1.492 (a) (3)) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO) \$1040.00

International preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (4)) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00

Search Report prepared by the EPO or JPO (37 CFR 1.492 (a) (5)) \$890.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$ 890.00

Surcharge of \$130.00 for furnishing the oath or declaration later than

☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130.00

Claims**Number Filed****Number Extra****Rate**

Total Claims

63 - 20 =

-43-

x \$18.00

\$ 774.00

Independent Claims

3 - 3 =

-0-

x \$84.00

\$

Multiple Dependent Claim(s) (if applicable)

+ \$280.00

\$

TOTAL OF ABOVE CALCULATIONS =

\$ 1794.00

Reduction by 1/2 for filing by **small entity**, if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).

\$

SUBTOTAL =

\$ 1794.00

Processing fee of \$130 for furnishing the **English translation** later than☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f))

\$

TOTAL NATIONAL FEE =

\$ 1794.00

Fee of \$40.00 for recording the enclosed **assignment** (37 CFR 1.21(h)).

Assignment must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31).

\$

TOTAL FEES ENCLOSED =

\$ 1794.00

Amt. to be refunded:

\$

Amt. charged:

\$

a. ☒ A check in the amount of \$ 1794.00 to cover the above fees is enclosed.b. ☐ Please charge my Deposit Account No. 06-1358 in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.c. ☐ The Commissioner is hereby authorized to charge my account any additional fees set forth in §1.492 during the pendency of this application, or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

SEND ALL CORRESPONDENCE TO:

JACOBSON HOLMAN PLLC
400 7th Street, N.W., Suite 600
Washington, DC 20004
202-638-6666**CUSTOMER NUMBER: 00136**

By

COPYHarvey B. Jacobson, Jr.
Reg. No. 20,851



TC 1-13-06
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/926,493	Francois Hirsch	P67289US0

00136
JACOBSON HOLMAN PLLC
400 SEVENTH STREET N.W.
SUITE 600
WASHINGTON, DC 20004

JACOBSON HOLMAN PLLC
Response Due On Or Before
21 / 11 / 06
Month Day Year

INTERNATIONAL APPLICATION NO.	
PCT/FR00/01259	
I.A. FILING DATE	PRIORITY DATE
05/10/2000	05/10/1999

CONFIRMATION NO. 6661
371 FORMALITIES LETTER



OC000000017818824

Date Mailed: 01/11/2006

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 11/13/2001
- English Translation of the IA filed on 01/24/2002
- Copy of the International Search Report filed on 11/13/2001
- Copy of IPE Report filed on 11/13/2001
- Preliminary Amendments filed on 11/13/2001
- Biochemical Sequence Diskette filed on 01/24/2002
- Oath or Declaration filed on 01/24/2002
- Request for Immediate Examination filed on 11/13/2001
- Copy of references cited in ISR filed on 11/13/2001
- U.S. Basic National Fees filed on 01/24/2002
- Assignment filed on 01/24/2002

Applicant's response filed 01/24/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 12/13/2001 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Processing fee of \$130 for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** for English translation surcharge required.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/926,493	PCT/FR00/01259	P67289US0